

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
5:07-HC-2187-D

UNITED STATES OF AMERICA,)
)
 Petitioner,)
)
 v.)
)
KEVIN LOU ENGLISH,)
)
 Respondent.)

ORDER

This case comes before the court on respondent's motion (D.E. 122) to compel payment of deposition costs. The government has filed a response (D.E. 123). For the reasons stated below, the motion will be allowed in part and denied in part.

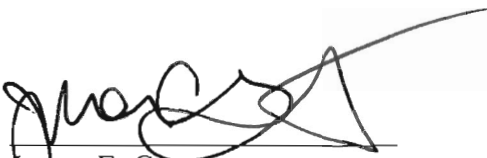
As the government points out in its response, the Department of Justice ("DOJ") and the Office of Defender Services within the Administrative Office of the Courts have reached an agreement regarding the payment of deposition costs in cases arising under 18 U.S.C. § 4248 ("§ 4248") in which the respondent is represented by panel counsel pursuant to the Criminal Justice Act, 18 U.S.C. § 3006A ("CJA"). The agreement is reflected in an email (D.E. 123-1), dated 17 April 2012, from the Federal Public Defender in this district to the court, a copy of which is attached to the government's response.

Under the agreement, if the government initiates a deposition, DOJ will pay the costs of the original transcript (including the court reporter's fees, travel expenses, and associated costs) plus the cost of one extra copy of the transcript for the government. CJA funds will pay for the respondent's copy of the transcript. The request by panel counsel for payment for the respondent's copy should be submitted on Form CJA 24.

If the CJA panel attorney initiates a deposition, CJA funds will pay the cost of the original transcript (including the court reporter's fees, travel expenses, and associated costs) plus the cost of one extra copy of the transcript for the respondent. The request by panel counsel for payment for the original transcript (including court reporter's fees, travel expenses, and associated costs) should be submitted on Form CJA 21 and the request for payment for respondent's additional copy of the transcript on Form CJA 24. DOJ will pay for the government's copy of the transcript.

The deposition costs subject to the instant motion shall be paid in accordance with the foregoing agreement. To that extent, respondent's motion (D.E. 122) is ALLOWED, but it is otherwise DENIED.

SO ORDERED, this 9th day of May 2012.



James E. Gates
United States Magistrate Judge